

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD C. SPRUEL JR.,

Plaintiff,

v.

HAROLD CLARKE *et al.*,

Defendants.

Case No. C06-5021RJB

ORDER ON MOTIONS

This action, brought under 42 U.S.C. 2000, has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). The plaintiff has been granted leave to proceed *in forma pauperis*. Plaintiff seeks injunctive relief and costs in this action and does not seek damages. (Dkt. # 5).

Along with service copies of the complaint and service forms plaintiff sent copies of several documents he apparently wants the court to serve. These documents include:

1. A motion and notice of motion for a preliminary injunction,
2. A motion and notice of motion to file an overlength brief.
3. An affidavit in support of plaintiff's motion for a preliminary injunction
4. A memorandum of law in support of a motion for preliminary injunction.

1 These filings suffer from a number of procedural deficiencies. It has been nearly two years
2 since the local rules allowed for the filing of a separate memorandum of law in support of a motion.
3 Thus the separate memorandum is not a proper pleading.

4 The next defect is the attempt to note a motion for hearing without giving any date certain.
5 A request for court action shall be set forth in a motion, properly filed and served. The motion shall
6 include in its caption (immediately below the title of the motion) a designation of the Friday upon
7 which the motion is to be noted upon the court's calendar. That date shall be the third Friday
8 following filing of the motion (fourth Friday for Motions for Summary Judgment). All briefs and
9 affidavits in opposition to any motion shall be filed and served not later than 4:30 p.m. on the
10 Monday immediately preceding the Friday appointed for consideration of the motion. If a party fails
11 to file and serve timely opposition to a motion, the court may deem any opposition to be without
12 merit. The party making the motion may file, not later than 4:30 p.m. on the Thursday immediately
13 preceding the Friday designated for consideration of the motion, a response to the opposing party's
14 briefs and affidavits.

15 The next defect is the attempt to serve the motions by sending copies to the court. The
16 United States Marshals Service serves complaints for persons proceeding *in forma pauperis*. The
17 attempt to have the Marshals Service serve general motions is improper.

18 Plaintiff's motion to file an over length brief is **DENIED**.

19 If plaintiff wishes the court to consider a motion for injunctive relief he will need to file a
20 proper motion that complies with local rule 7. The motions filed with the complaint will remain in
21 the file but will not be considered by the court without proof the motion has been properly noted and
22 served on defendants, or counsel, if counsel appears in this action

23 The Clerk is directed to send a copy of this Order to plaintiff.

24 DATED this 8th day of February 2006.

26 /S/ J. Kelley Arnold
27 J. Kelley Arnold
United States Magistrate Judge